

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**

SIGNATURE MANAGEMENT
TEAM, LLC,

Plaintiff,

v.

JOHN DOE,

Defendant.

Case No.: 4:13 - 14005
Honorable Judith E. Levy

**STATEMENT OF DOE CONCERNING FILING PUBLIC VERSIONS OF
PLEADINGS FILED UNDER SEAL**

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Pursuant to this Court's Protective Order [DE 51], Doe hereby files redacted copies of certain sealed filings in this matter, as well as unredacted copies of certain other sealed filings, for the reasons that follow.

This Court entered Judgment in this case. TEAM has appealed on the issue of whether this Court abused its discretion in declining to disclose Doe's identity in the Judgment herein. That appeal is pending. Certain issues concerning the operation of this Court's Protective Order were raised in the context of a Motion to Seal by TEAM in the Court of Appeal. In response to that Motion, Doe clarified certain matters concerning this Court's Protective Order and the conduct of the parties with respect thereto, and filed a redacted copy of TEAM's opening appellate brief in the public file. Appellee Doe's Response to Appellant [TEAM's] Motion for Leave to File Under Seal, Court of Appeal, Case No. 16-2188, Appellate Document 26 (a copy of which is attached hereto as ***Exhibit 1***, omitting exhibits thereto). A copy of TEAM's Reply to Doe's Response (Appellate Document 27) is attached hereto as ***Exhibit 2***.

The documents at issue with respect to this Statement were filed under seal by TEAM in this Court. Pursuant to the terms of the Protective Order, TEAM was supposed to file any documents that contained information subject to the Protective Order under seal, together with (also under seal) proposed redactions to such documents. DE51, ¶ 5. Doe was then given an opportunity to propose any further

redactions of material Doe contended should not be filed in the public docket. *Id.* In the event that the parties, after meeting and conferring, could not agree on the scope of proposed redactions, the parties were to bring their disagreements to the Court to resolve. *Id.*

TEAM, however, did not comply with that procedure. Instead it filed its Response to the Summary Judgment and related papers under seal, DE 54 *without* submitting any proposed redactions *in camera* to the District Court. DE 54. Consequently, Doe reviewed TEAM's submissions and prepared Doe's own redacted versions of TEAM's Response Brief and Exhibit B (deposition transcript), and proposed to TEAM's counsel (on February 23, 2016) that these redacted documents be filed in the public docket, and that certain Exhibits filed under seal be unsealed. Koltun Decl., [Exhibit 1 hereto] p. 13, ¶ 3.

Doe's counsel conferred with TEAM's counsel on the proposed redaction/unsealing. *Id.*, p. 13, ¶ 4. TEAM's counsel declined to respond to Doe's proposed redaction/unsealing, and argued that it was premature to discuss any proposed redactions prior to this Court's resolution of the pending motion. *Id.* Doe disagreed with this interpretation, and anticipated raising this issue as a housekeeping matter at this Court's hearing on the summary judgment motion. *Id.* However, this Court decided that motion, and ultimately entered the Judgment, without holding a hearing. *Id.*

TEAM's appeal followed, and, as stated, the issue of the operation of this Court's Protective Order arose in the context of TEAM's Motion to Seal. In that context, TEAM stated to the Court of Appeal that the meet-and-confer process imposed by the Court's Protective Order is "unduly burdensome and unworkable." TEAM Reply re Motion to Seal, Appellate Doc. 27 [Exhibit 2 hereto], page 3.

Since TEAM has declined to engage in the meet-and-confer process contemplated by this Court, Doe files herewith in the public docket of this Court copies of such documents that Doe does not contend contain any confidential information, or where such confidential information has been redacted by Doe. The Protective Order clearly permits Doe to do so unilaterally, since it defines "Confidential Information" as excluding any information as to which Doe "stipulates in writing to the disclosure of such information, including by stipulating to the filing of unredacted information pursuant to Paragraph 5 below." DE 51 at 2.

Attached herewith as Exhibits 3-23, as set forth in the attached Index of Exhibits are such public versions of documents DE54 and DE62. Some exhibits from the sealed filing are omitted since they are duplicates of documents that appear elsewhere in the public docket.

Respectfully submitted,

/s/Joshua Koltun
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on January 26, 2017, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system, which will send notification of such filing electronically to all counsel of record.

Executed on January 26, 2017, at San Francisco, California.

/s/Joshua Koltun

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